

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0583

STATE OF MONTANA,

Plaintiff and Appellee,

v.

THOMAS GREGORY FERRIS,

Defendant and Appellant.

FILED

MAY 25 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR STAY OF BRIEFING PENDING DECISION
IN STATE V. ANDREWS, DA 09-0209**

The Appellee, State of Montana, respectfully requests a stay in the briefing schedule for the above captioned case, State v. Ferris. Appellant Ferris has filed the Brief of Appellant. The State's brief in Ferris is currently due on June 1, 2010, after one extension of time. Counsel for Appellant Ferris has been contacted and reported that her client objects to this motion.

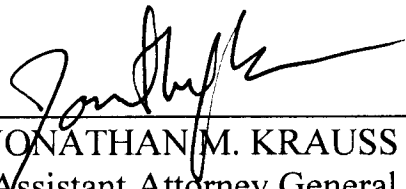
The primary issue raised in this case (whether the Goetz decision rendered after guilty plea is "good cause" for withdrawal of such plea) is the same issue before this Court in State v. Andrews, DA 09-0209, which was submitted on oral argument on December 9, 2009, and is currently pending decision by this Court. The State believes the decision in Andrews--whether decided for or against the State--will be instructive, if not dispositive, of the issue in Ferris, and that it may obviate the need for extensive briefing on the issue. Therefore, it would be in the

interest of justice to stay the briefing of the issue until such precedent is decided, one way or the other, so that all further briefing in this matter will have the benefit of the Court's most current case law.

The State respectfully requests that this Court order that briefing in this case be stayed pending its decision in State v. Andrews, DA 09-0209, and that the State be allowed thirty (30) days from the date such decision is issued in which to file the Brief of Appellee in this matter. In the alternative, the State would move for an extension of time in which to file its brief in this matter until July 1, 2010. In that regard please see the attached Affidavit.

Respectfully submitted this 25th day of May, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: 
JONATHAN M. KRAUSS
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Jonathan M. Krauss, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and was assigned to prepare the State's response brief in the above-entitled matter in earlier May 2010.
2. The State's brief was first due on April 30, 2010. The brief is presently due on June 1, 2010. The State has made one previous request for extension.
3. I am unable to meet the present deadline for filing the State's brief and am requesting an extension of time to July 1, 2010. Since the reassignment of this matter to me, I have drafted the State's briefs in the following cases now pending before this Court:

State v. Sage, DA 09-0252, filed on May 6, 2010; and

State v. McClure, DA 10-0001, filed on May 17, 2010.

In addition, I have the following other cases pending and nearing completion in the next two weeks:

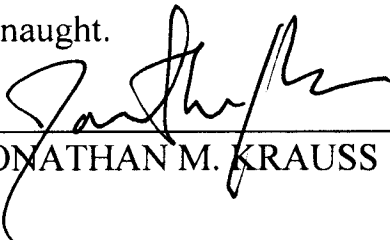
State v. Polejewski, DA 09-0451, State's brief due June 7, 2010; and

State v. Ankeny, DA 09-0311, State's brief due June 9, 2010 (2d MET).

4. I will work diligently in an effort to complete this matter in the time requested.

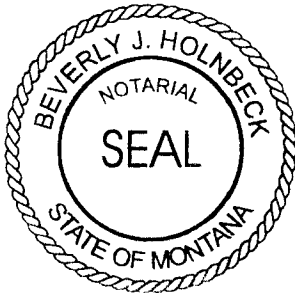
5. I contacted opposing counsel concerning this motion and she reported that her client objects.


6. Further your affiant sayeth naught.



JONATHAN M. KRAUSS

SUBSCRIBED AND SWORN to before me this 25th day of May, 2010.





BEVERLY J. HOLNBECK
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion For Stay Of Briefing Pending Decision In State V. Andrews, DA 09-0209
to be mailed to:

Ms. Robin Meguire
P.O. Box 1845
Great Falls, MT 59403-1845

Ms. Susan Weber
Deputy Cascade County Attorney
121 Fourth Street North
Great Falls, MT 59401

DATED: 5/25/10 